

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROSS TOSCANO,

Petitioner, No. CIV S-02-2184 MCE EFB P

vs.

C. A. TERHUNE,

Respondent. ORDER

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Petitioner is a state prisoner proceeding through counsel with a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. By order dated March 10, 2003, before an answer was filed, this matter was administratively stayed to allow petitioner the opportunity to exhaust a claim in state court. On August 26, 2011, petitioner was ordered to show cause why this action should not be dismissed for failure to prosecute. On August 29, 2011, petitioner filed a request for voluntary dismissal of this action on the grounds that he was granted habeas relief in state court.

Good cause appearing, IT IS HEREBY ORDERED that this action is dismissed without prejudice and this case is closed. *See* Fed. R. Civ. P. 41(a).

DATED: October 19, 2011.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE